

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALLACH et al
 Application No.: 08/485,129
 Filed: June 7, 1995
 For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR



RESPONSE UNDER 37 CFR 1.116

EXPIRED PROCEDURE
EXAMINING GROUP 1644

Art Unit 1644
 Examiner: R. Schwadron
 Washington, D.C.

Atty.'s Docket: WALLACH=5B
 Date: May 25, 1999

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sig:

Transmitted herewith is an [XX] Amendment [] in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL * 18	MINUS ** 21	= 0
INDEP. * 5	MINUS *** 4	= 1

* FIRST PRESENTATION OF MULTIPLE DEP. CLAIM

SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 9	\$		x 18	\$
x 39	\$		x 78	\$ 78.00
+130	\$		+ 260	\$
	TOTAL ADDITIONAL FEE			TOTAL \$ 78.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

** The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 55.00
- [] Second - \$190.00
- [] Third - \$435.00
- [] Fourth - \$680.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [] First - \$ 110.00
- [] Second - \$ 380.00
- [] Third - \$ 870.00
- [] Fourth - \$1360.00

Month After Time Period Set

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[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[XX] A check in the amount of \$78.00 is attached (check no. 22369).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:

Roger Browdy by [Signature]
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Allen Yuen
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RLB:al



RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1644
David WALLACH et al.) Examiner: R. Schwadron
Appln. No.: 08/485,129) Washington, D.C.
Filed: June 7, 1995) May 25, 1999
For: ISOLATED DNA ENCODING TUMOR) Atty.Docket: WALLACH=5B
NECROSIS FACTOR BINDING)
PROTEIN II, AND VECTORS,)
HOSTS AND PROCESSES USING)
SUCH DNA)

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5/31/99
(NE)

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Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231 **TECH CENTER 1600/2900**

Sir:

In response to the Official Action of February 26,
1999, please amend as follows:

IN THE CLAIMS

Rewrite claim 11 (four-times amended) in five-times
amended form as follows:

11 (Five-times amended). An isolated DNA molecule
comprising a contiguous nucleotide sequence coding for a protein
consisting of naturally occurring human Tumor Necrosis Factor
(TNF) Binding Protein II, herein designated TBP-II, said TBP-II
including [, at the N-terminal region thereof,] the amino acid
sequence: Thr-Pro-Tyr-Ala-Pro-Glu-Pro-Gly-Ser-Thr in the portion
of the protein sequenced by N-terminal sequence analysis, said
protein having the ability to inhibit the cytotoxic effect of
TNF, wherein said naturally occurring TBP-II protein is the same
as that protein having the ability to inhibit the cytotoxic